

# Highways and Locomotives (Ireland) Bill.

[AS AMENDED BY STANDING COMMITTEE B.]

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## ARRANGEMENT OF CLAUSES.

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Clause.

1. Power of authority to recover expenses of extraordinary traffic.
2. Weight of locomotives and construction of wheels.
3. Penalty for breach of foregoing provisions.
4. Regulations for locomotives on highways.
5. Steam locomotives to be constructed so as to consume their smoke.
6. Power of county authority to license locomotives.
7. Recovery of penalties.
8. Interpretation and saving.
9. Extent and short title.



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B I L L

[AS AMENDED BY STANDING COMMITTEE B.]

TO

Assimilate the Law in Ireland with the Laws of England and Scotland in the matter of Locomotive Traction. A.D. 1910.

**B**E it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

- 5      1.—(1) Where by a certificate of their surveyor it appears to the county council or urban district council which is liable or has undertaken to repair any public road, whether a main road or not, that, having regard to the average expense of repairing that road, extraordinary expenses have become necessary for the
- 10 purpose of repairing the road by reason of the damage caused by excessive weight passing along the same, or extraordinary traffic thereon, the council may recover from any person by or in consequence of whose order such weight or traffic has been conducted the amount of such expenses as may be proved to
- 15 the satisfaction of the court having cognizance of the case to have become necessary by reason of the damage arising from such weight or traffic as aforesaid, and where such public road is being repaired or maintained under contract the council shall, to the extent of the amount recovered, less any costs unpaid to
- 20 the council, reimburse the contractor on the due execution by him of his contract:

*Power of authority to recover expenses of extraordinary traffic.*

Provided that any person against whom expenses are or may be recoverable under this section may enter into an agreement with such council as is mentioned in this section for the payment

25 to them of a composition in respect of such weight or traffic, and thereupon the persons so paying the same shall not be subject to any proceedings under this section.

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(2) Expenses under this section may be recovered if not exceeding two hundred and fifty pounds in the county court having jurisdiction in the place where the damage was done, and if exceeding that sum in the High Court.

(3) An appeal may be taken from any order of a county court under this section, and the enactments in the County Courts (Ireland) Acts, 1851 to 1889, relating to appeals in the case of ordinary civil bills shall apply accordingly.

(4) Proceedings for the recovery of any expenses under this section shall be commenced within twelve months of the time at which the damage was done or, where the damage is in consequence of any particular building contract, or work extending over a long period, shall be commenced not later than six months after the completion of the contract or work.

(5) In the case of a road, not being a main road, any expenses recovered or composition paid under this section by or to a county council in respect thereof shall be credited in manner prescribed by the Local Government Board for Ireland to the rural district in which is situated that part of the road in respect of which the expenses were recovered or the composition was paid, and in the case of a main road one-half of such expenses or composition shall be so credited to the rural or urban district, as the case may be.

Weight of  
locomotives  
and construction  
of  
wheels.

2. It shall not be lawful to use on any public road a locomotive constructed otherwise than in accordance with the following provisions (that is to say):—

- (1) A locomotive not drawing any carriage, and not exceeding in weight three tons, shall have the tires of the wheels thereof not less than three inches in width, with an additional inch for every ton or fraction of a ton above the first three tons; and
- (2) A locomotive drawing any waggon or carriage shall have the tires of the driving wheels thereof not less than two inches in width for every ton in weight of the locomotive, unless the diameter of such wheels shall exceed five feet, when the width of the tires may be reduced in the same proportion as the diameter of the wheels is increased, but in such case the width of such tires shall not be less than fourteen inches; and

(3) A locomotive shall not exceed nine feet in width or fourteen tons in weight, except as herein-after provided; and A.D. 1910.

(4) The driving wheels of a locomotive shall be cylindrical and smooth-soled, or shod with diagonal crossbars of not less than three inches in width nor more than three-quarters of an inch in thickness, extending the full breadth of the tire, and the space intervening between each such crossbar shall not exceed three inches: Provided that the requirements of this subsection may be from time to time varied by order of the Local Government Board for Ireland.

3.—(1) The owner of any locomotive used contrary to the foregoing provisions shall for every such offence be liable to a fine not exceeding five pounds: Provided that any county council or urban district council may, on the application of the owner of any locomotive exceeding nine feet in width or fourteen tons in weight, authorise such locomotive to be used on any public road or part of a public road which the council are liable or have undertaken to repair under such conditions (if any) as to them may appear desirable: Penalty for breach of foregoing provisions.

Provided also that the owner of the locomotive used contrary to the provisions of subsection (2) of the last preceding section shall not be deemed guilty of an offence under that section if he proves to the satisfaction of the court having cognizance of the case that such locomotive was constructed before the passing of this Act, and that the tires of the wheels thereof are not less than nine inches in width.

(2) Section three of the Locomotive Act, 1861, and section five of the Locomotives Act, 1865, are hereby repealed.

4.—(1) When a locomotive is passing on any public road— Regulations for locomotives on highways.

(a) two persons shall be employed in driving or attending to the locomotive; and

(b) one of such persons shall, when required, give assistance to any person with a horse or horses or carriages or other vehicles drawn by a horse or horses meeting or overtaking the locomotive; and

(c) when the locomotive is drawing more than three waggons another person shall be employed for the purpose of attending to the waggons, and such

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third person shall be seated at or remain near the rear of the last waggon so as to observe and be able to give assistance to any person with any carriage or vehicle of whatever kind or with a horse or horses or other animals overtaking such last waggon, and shall give such assistance when required.

(2) So long as the fires of a locomotive are alight or the locomotive contains in itself sufficient motive power to move it, one person shall remain in attendance whilst it is on any public road although it is stationary.

(3) The lights required to be carried on a locomotive, whether stationary or passing on any public road, shall be carried between the hours of one hour after sunset and one hour before sunrise during the six months beginning the first day of April in any year, and between sunset and sunrise during the six months beginning the first day of October in any year; and there shall be carried in addition during those hours an efficient red light on the rear of the locomotive, or, if it is drawing waggons on the rear of the last waggon, fixed in such a manner as to be conspicuous.

(4) Every light carried on a locomotive, or on a waggon drawn by a locomotive, shall be fitted with such shutters or other contrivances as will enable the light to be temporarily screened in an effective manner.

(5) If any of the provisions of this section are not complied with in the case of any locomotive, the owner of the locomotive shall be liable for each offence to a fine not exceeding ten pounds.

(6) The paragraphs numbered "firstly" and "secondly," respectively, of section three of the Locomotives Act, 1865, are hereby repealed.

Steam locomotives to be constructed so as to consume their smoke.

5.—(1) Every locomotive used on any public road shall be constructed on the principle of consuming its own smoke; and any person using any locomotive not so constructed, or not consuming, so far as practicable, its own smoke, shall be liable to a fine not exceeding five pounds for every day during which such locomotive is used on any such public road.

(2) Section eight of the Locomotive Act, 1861, is hereby repealed.

6.—(1) A county council may, from time to time, make, alter, and repeal byelaws for granting annual licences to locomotives used within their county, and the fee (not exceeding ten pounds) to be paid in respect of each licence; and the owner of any locomotive for which a licence is required under any byelaw so made who uses or permits the same to be used in contravention of any such byelaw shall be liable to a fine not exceeding forty shillings for every day on which the same is so used.

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Power of  
county  
authority to  
license loco-  
motives.

All fees received under this section shall be carried to and applied as part of the fund out of which county at large charges are defrayed.

(2) The provisions of the Public Health (Ireland) Act, 1878, relative to byelaws, shall, with the necessary modifications, apply in the case of every byelaw made under this section.

(3) This section shall not apply to any agricultural locomotive.

7.—(1) Offences under this Act, or under any byelaw made in pursuance of this Act, may be prosecuted, and fines recoverable under this Act, or under any byelaw made in pursuance of this Act, may be recovered in the manner provided by the Summary Jurisdiction Acts.

Recovery of  
penalties.

(2) Where an offence under this Act, or under any byelaw made in pursuance of this Act, for which the owner of a locomotive or waggon is liable to a penalty, has in fact been committed by some servant, workman, or other person, that servant, workman, or other person shall be liable to the same penalty as if he were the owner.

(3) Where the owner is charged with any such offence he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge, and if, after the commission of the offence has been proved, the court is satisfied that the owner had used due diligence to enforce the execution of the Act, and that the other person had committed the offence in question without the owner's knowledge, consent, or connivance, that other person shall be summarily convicted of the offence, and the owner shall be exempt from any fine.

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Interpre-  
tation and  
saving.

8.—(1) In this Act, unless the context otherwise requires—  
The expression "county" includes a county borough, and  
the expression "county council" includes the council  
of a county borough;

The expression "locomotive" means a locomotive propelled 5  
by steam or other than animal power, but does not  
include any light locomotive or motor car within the  
meaning of the Motor Car Acts, 1896 and 1903.

The expression "agricultural locomotive" includes—

(a) Any locomotive used solely for threshing, 10  
ploughing, or any other agricultural purpose; and

(b) Any locomotive, the property of one or more  
owners or occupiers of agricultural land, employed  
solely for the purpose of their farms and not let out  
on hire;

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The expression "waggon" includes any truck, cart, carriage,  
or other vehicle.

(2) Nothing in this Act shall affect or derogate from the  
provisions of any local Act dealing with the licensing of  
locomotives, (whatever the payments in respect of the licences 20  
may be,) or otherwise relating to locomotives in any county  
borough or other area.

(3) Nothing in this Act shall authorise any person to use  
a locomotive which is so constructed or used as to be a public  
nuisance at common law, or shall affect the right of any person 25  
to recover damages in respect of any injury sustained in  
consequence of the use of a locomotive.

Extent and  
short title.

9. This Act shall apply to Ireland only and may be cited as  
the *Highways and Locomotives (Ireland) Act, 1910.*

# Highways and Locomotives (Ireland).

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## A B I L L

[AS AMENDED BY STANDING  
COMMITTEE B.]

To assimilate the Law in Ireland with  
the Laws of England and Scotland  
in the matter of Locomotive Traction.

*Presented by Mr. MacVeagh,  
supported by*

*Mr. Lardner, Captain Craig, Mr. Kennedy,  
Mr. Joyce, Viscount Castlereagh, Mr. Kelly,  
Mr. Mitchell-Thomson, Mr. Patrick O'Brien,  
Captain Cooper, Mr. Kilbride, and  
Mr. Hugh Barrie.*

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